

REMARKS

Claims 13-16 and 18-22 are pending. Claims 13 and 14 have been amended. Claim 13 is the only independent claim.

Claims 13-16 and 18-22 were rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent 7,098,069 (Yamazaki et al.). Applicant submits that amended independent claim 13 is patentable over the cited art for at least the following reasons.

Amended independent claim 13 is directed to an apparatus that includes: a substrate; at least one active element, the active element fabricated on the substrate; and an encapsulation cap attached to the substrate protecting and covering the element from environmental exposure. The element has been exposed to an exposure environment containing moisture in the form of water vapor for a specified period of time prior to the encapsulation cap being bonded, and the encapsulation cap traps a gas mixture between the element and the encapsulation cap, the gas mixture including Oxygen.

Yamazaki shows a light emitting device having thin film transistors on a substrate and light emitting layers on the thin film transistors. The light emitting layers are encapsulated with a sealing substrate or a sealing can. See col. 32, lines 12 to 16. The sealing is applied under an atmosphere containing hydrogen and inert gases and the space between the sealing substrate and the light emitting layers contains Hydrogen. The function of the sealing can is to prevent, inter alia, Oxygen from "invading from the exterior." Col. 32, lines 17-19.

Amended independent claim 13 recites that the mixture between the element and the encapsulation cap includes Oxygen. For at least this reason, Yamazaki et al. does not anticipate amended claim 13. Moreover, in view of the fact that Yamazaki et

al. clearly teaches that the sealing can is for keeping Oxygen out, Yamazaki teaches away from including Oxygen in the space under the sealing cap. For at least this reason, amended claim 13 also would not have been obvious in view of Yamazaki et al..

For at least the foregoing reasons, amended claim 13 is believed clearly patentable over Yamazaki et al.

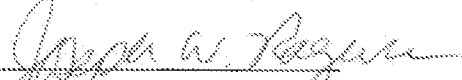
The other claims in this application are each dependent from the independent claim discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

This Amendment in Response to Final Office Action is believed clearly to place this application in condition for allowance and its entry is therefore believed proper under 37 C.F.R. § 1.116. In any event, entry of this Amendment in Response to Final Office Action, as an earnest effort to advance prosecution and reduce the number of issues, is respectfully requested.

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

Dated: January 19, 2007

Respectfully submitted,

By 

Joseph W. Ragusa

Registration No.: 38,586

DICKSTEIN SHAPIRO LLP

1177 Avenue of the Americas

41st Floor

New York, New York 10036-2714

(212) 277-6500

Attorney for Applicant